

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

Allen Rogers, :
Petitioner :
vs. : Case Number: 1:20cv203
Warden, Belmont Correctional Institution : Judge Susan J. Dlott
Respondent :
:

ORDER

The Court has reviewed the Report and Recommendations of United States Magistrate Judge filed on August 23, 2021(Doc. 9), to whom this case was referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) expired September 7, 2021, hereby ADOPTS said Report and Recommendations.

Accordingly, the petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 is DENIED.

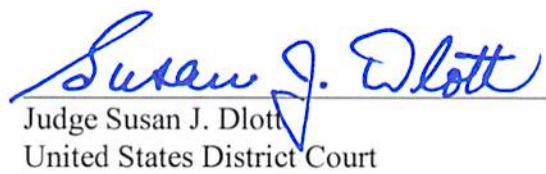
A certificate of appealability does not issue with respect to the claims alleged in the petition, which have been addressed on the merits herein, because petitioner has not stated a “viable claim of the denial of a constitutional right,” nor are the issues presented “adequate to deserve encouragement to proceed further.” *See Slack v. McDaniel*, 529 U.S. 473, 475 (2000) (citing *Barefoot v. Estelle*, 463 U.S. 880, 893 & n.4 (1983)). *See also* 28 U.S.C. § 2253(c); Fed. R. App. P. 22(b).

With respect to any application by petitioner to proceed on appeal *in forma pauperis*,

the Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that an appeal of this Order adopting this Report and Recommendation would not be taken in “good faith,” and, therefore **DENIES** petitioner leave to appeal *in forma pauperis* upon a showing of financial necessity. *See Fed. R. App. P. 24(a); Kincade v. Sparkman*, 117 F.3d 949, 952 (6th Cir. 1997).

This case is hereby TERMINATED upon the Court’s docket.

IT IS SO ORDERED.



Judge Susan J. Dlott
United States District Court